

U.S. DISTRICT COURT
UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

2020 JAN -3 P 3:43

UNITED STATES OF AMERICA

v.

DEPUTY CLERK

THOMAS WENGLER
PETER JOHNSON
BENJAMIN "TUCKER" THOMPSON and
CLAYTON WITHAM

Mag. No. 2:20-mj-00002-JHR

16 U.S.C. § 668dd(c) &
50 C.F.R. § 26.21(a)

PROSECUTION VERSION

If this matter proceeded to trial, the government would establish the following facts to support a finding of guilt with respect to the charged offense.

On about August 11, 2018, the four named defendants, together and with other friends and family members, entered onto land owned by the United States located on Metinic Island, Town of Metinicus Isle, Knox County, Maine. Specifically, they made entry onto a National Wildlife Refuge consisting of approximately 149 acres on the northern half of Metinic Island, which Refuge was established in 1993. The defendants camped overnight in the Refuge, pitching tents, mowing grass, and building a fire.

The Refuge is closed to the public each April 1st through August 31st, and the closure period is clearly posted in the area where the defendants made land on the island. The closure period is found also on the Refuge's website, www.maine.coastislands.org/conservation-partners/metinic-island. The closure period is imposed to avoid disruption of the seabird nesting season.

All of the defendants other than Witham had received violation notices in August of 2012 for unauthorized presence on Refuge land during the closure period. While Witham was not cited, his land abuts the Refuge and other family-owned parcels.

Dated: 1/3/2020


Assistant United States Attorney